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10 JUN 2002 11:11
 BY: [Signature]
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IN THE UNITED STATES DISTRICT COURT
 DISTRICT OF UTAH - Circuit DIVISION

Wallace Davis

Plaintiff,

v.

Gateway Companies, Inc

Defendant(s).

COMPLAINT

Civil No. **2 02 CV - 0559 K**

A. JURISDICTION

This action is brought pursuant to Title VII of the Civil Rights Act of 1964 as amended, for employment discrimination. Jurisdiction is specifically conferred on this Court by 42 U.S.C. § 2000e(5). Equitable and other relief are also sought under 42 U.S.C. § 2000e(5)(g). Jurisdiction is also based on 28 U.S.C. §§ 1331, 1343 and 42 U.S.C. §§ 1981 et seq. Where employment discrimination based upon age is alleged, jurisdiction is conferred by 29 U.S.C. §§ 626(c)(1) and 626(e) and appropriate relief is also sought. *Relief is demanded.*

B. PARTIES

- Name of plaintiff:
 Present mailing address:

Wallace Davis
20 East Vine Street #924
So. Salt Lake City, Utah 84107

2. Name of first defendant:
Present mailing address or
business location:

Craterway Computers, Inc.
5420 West 2100 South
Salt Lake City, Utah 84120

3. Name of second defendant:
Present mailing address or
business location:

4. Name of third defendant:
Present mailing address or
business location:

(Use additional sheets if necessary.)

C. NATURE OF CASE

1. The address at which I sought employment or was employed by the defendant(s) is:

Craterway
5420 West 2100 South
Salt Lake City, Utah 84120

2. The discriminatory acts occurred on or about:

between August 1999 and Jan 11, 2000
(Month, Day, Year)
and after Jan 13, 2000

3. I filed charges with the Anti Discrimination Division of the Utah State Industrial Commission regarding the defendant's discriminatory conduct on or about:

March 3, 2000, later amended to
(Month, Day, Year)
include
retaliation

4. I filed charges with the Equal Employment Opportunity Commission regarding the defendant's discriminatory conduct on or about:

April 3, 2000 (on information and belief)
(Month, Day, Year)

5. The Equal Employment Opportunity Commission sent the attached "Notice of Right to Sue" which I received on:

on about April 13, 2000
(Month, Day, Year)

(Please attach the "Notice of Right to Sue" to this complaint.)

6. The discriminatory acts that are the basis of this suit are:

- a. ☐ Failure to employ me
- b. ☒ Failure to promote me
- c. ☐ Termination of my employment
- d. ☐ Demotion
- e. ☐ Denied equal pay/work
- f. ☐ Sexual harassment
- g. ☐ General harassment
- h. ☒ Other acts (Be specific: Attach an additional sheet if necessary)

Retaliation - discipline in the form of a
reprimand which was issued, creating a
hostile work environment which culminated
in a constructive discharge

7. Defendant's conduct is discriminatory with respect to:

- a. ☒ my race
- b. ☒ my color
- c. ☐ my sex
- d. ☐ my religion
- e. ☒ my national origin
- f. ☐ my age

g. ☒ retaliation

8. I believe that the defendant is still committing these acts against me.

☐ yes ☐ no

D. CAUSE OF ACTION

1. I allege that the defendant has discriminated against me and that the following facts form the basis for my allegations:

a. (1) Count I: racial discrimination

- (2) Supporting Facts: (Describe exactly what each defendant did or did not do. State the facts clearly, in your own words without citing any legal authority. Use additional sheets if necessary.)

After I passed my initial 90 day probation,
I applied for several advancement positions. I believe I
was well qualified but I was never selected for
any of the positions.

b. (1) Count II: retaliation

- (2) Supporting Facts:

In April 2000, I filed a charge of discrimination
with the EEOC because I believed I had
been discriminated against. Very soon thereafter
the company reprimanded me for stepping over
a female co-workers legs during a fire drill.
Ever since then the company began monitoring
my every move and this created a hostile
environment. Eventually I determined that the
working conditions were unsafe and abusive,

E. INJURY

1. How have you been injured by the actions of the defendant(s)? that I decided to
leave Gateway and I
wanted out. I
lost the wages I would have
received had I been
selected for any of the promotions
wages not been paid to me due to the
constructive discharge
emotional distress
attorney fees and costs
contend this
constituted
a
constructive
discharge.

F. REQUEST FOR RELIEF

2. I believe I am entitled to the following relief:

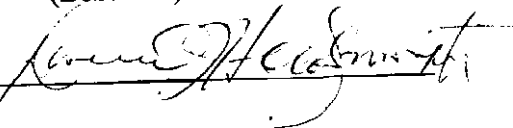
- back wages as set forth above
- compensatory damages
- attorney fees and costs
- Jury trial demanded

DECLARATION UNDER PENALTY OF PERJURY

The undersigned declares under penalty of perjury that he/she is the plaintiff in the above action, that he/she has read the above complaint and that the information contained therein is true and correct.
28 U.S.C. §1746; 18 U.S.C. § 1621.

Executed at Endy, VT on June 15, 192002.
(Location)

Signature



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Exhibits/
Attachments
to this document
have **not** been
scanned.

Please see the
case file.